

Health Hazards Control Unit (HHCU)

Division of Public Health

NC Department of Health
and Human Services

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EPA'S LBP RR&P Rule

Lead Renovation, Repair and Painting Program Rule (RR&P)

40 CFR PART 745

Published April 22, 2008 – Effective June 23, 2008

Full Implementation April 22, 2010

HHCU - Asbestos Hazard Management Program

- **Accredit Individuals who conduct Asbestos Management Activities**
- **Approve Asbestos Training Courses**
- **Review Asbestos Management Plans and Reinspection Reports for Public and Private Schools**
- **Permit Asbestos Abatement Projects & Demolition Projects**
- **Conduct Compliance Inspections of Asbestos Abatement & Demolition Projects**
- **Conduct Community Outreach Activities**

HHCU - Lead-Based Paint Hazard Management Program

- Certify Individuals and Firms conducting Lead-Based Paint (LBP) activities (inspections, risk assessments, abatement, design)
- Accredite LBP Training Courses and Training Providers
- Permit LBP Abatement Projects
- Conduct Compliance Inspections of LBP Abatement Projects
- Conduct Community Outreach Activities

RR&P Presentation Overview

- Applicability/Exceptions
- Effective Dates (Timelines)
- Information Distribution/Pre-Reno Education
- Firm Certification & Firm/Renovator Responsibilities
- Training (Cert Renovator/Dust Sampling Technician/Workers)
- Work Practices/Cleaning Verification
- Recordkeeping

What is the Lead-Based Paint Renovation, Repair and Painting Program (RR&P)?

- Federal regulatory program that applies to all renovations performed for compensation in target housing & child-occupied facilities constructed before 1978 and affects contractors, property managers, and others who disturb painted surfaces
- It includes pre-renovation education requirements as well as training, certification, work practice requirements and recordkeeping.

Purpose RR&P

- Ensure Owners and Occupants receive information on lead-based paint hazards before renovations begin.
- Ensure individuals performing renovations are properly trained, certified and safe work practices are followed.

What is Renovation?

- Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement and demolition of painted surface areas
- Work that disturbs painted surfaces
 - > 6 square feet per room – interior work
 - > 20 square feet – exterior work
 - Projects smaller in size than those above, are generally considered minor repair & maintenance activities are not included in the definition of renovation

Trades Affected

Carpenters

Painters

Electricians

Sheetrock/Drywall

Plumbers

HVAC

Window Replacement

Maintenance

Others?



What housing or activities have exceptions under the rule?

- Housing built in 1978 or later.
- Housing for elderly or disabled persons, unless children under 6 reside or are expected to reside there
- Zero-bedroom dwellings (studio apartments, dormitories, etc.)
- Housing or components determined to contain lead-based paint that is less than 1.0 milligram/cm² or 0.5% by weight
- Minor repair and maintenance activities
- Owner Opt-Out
- Emergency Renovations

Effective Dates

EPA Effective Dates/Timelines Associated with the New Rule

■ June 23, 2008

- Unaccredited renovator or dust sampling technician training programs may not advertise or provide training leading to EPA certification
- States, Tribes, and Territories may begin to apply for authorization
- Modifications to Pre-renovation Education Rule take effect:
 - Minor repair and maintenance exception changes to ≤ 6 ft² for interiors, ≤ 20 ft² for exterior activities. To qualify, the project cannot involve the use of high dust generating ("prohibited") practices or window replacement
 - Emergency renovations specifically include interim controls performed in response to an elevated blood lead level in a child

How does the RR&P rule affect existing Pre-education requirements?

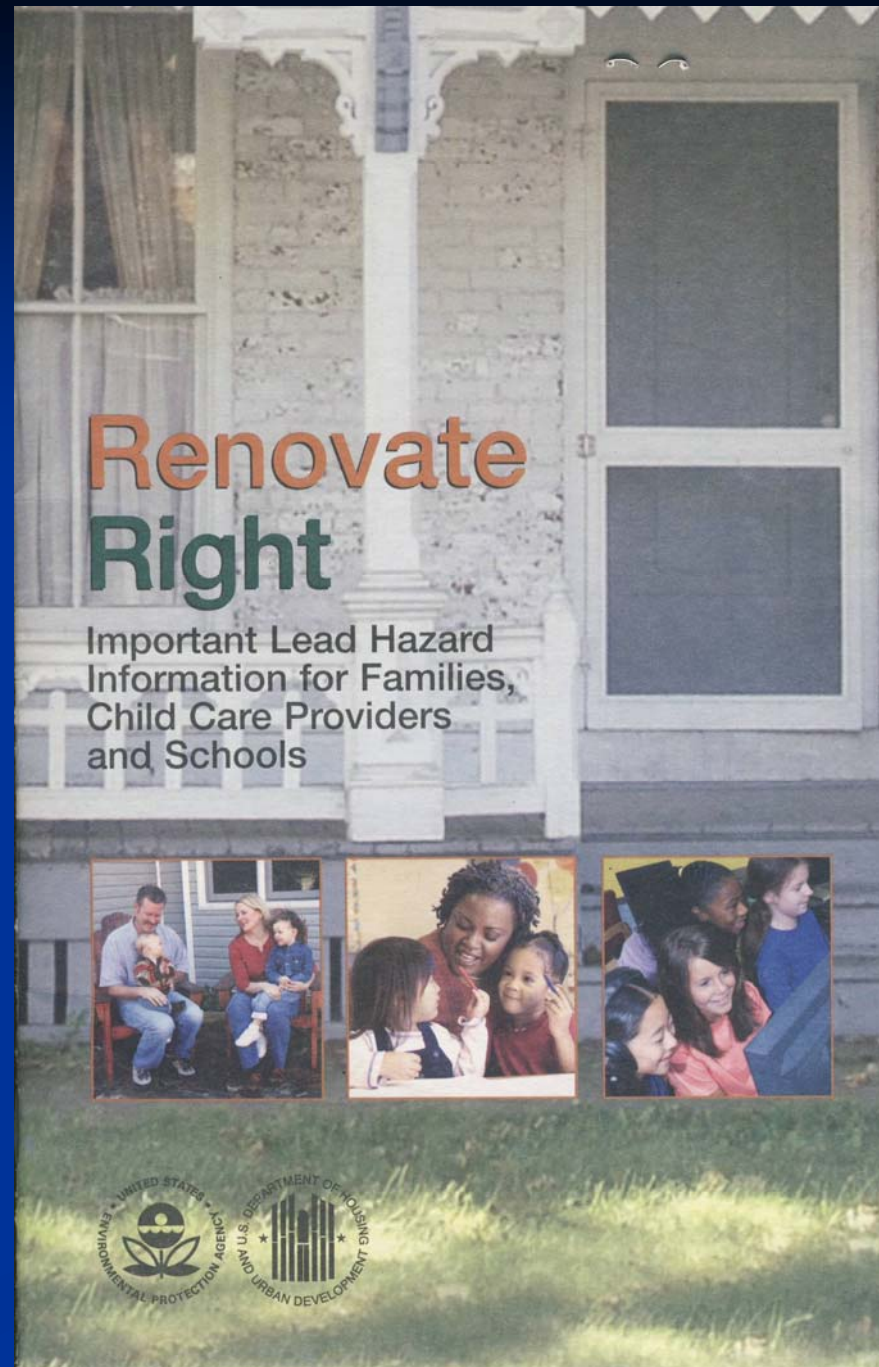
- As of December 22, 2008
 - Renovators or firms who perform renovations for compensation in **target housing** (i.e., residential houses, apartments, etc.) or child-occupied facilities (i.e., day cares, pre-schools, kindergarten classrooms, etc.) built before 1978, must provide the “**Renovate Right**” pamphlet to the owners and occupants before beginning renovations

San Francisco, Calif. -- 05/05/09) The U.S. Environmental Protection Agency has fined a South San Francisco-based painting contractor \$10,000 for failing to inform the owner and tenants of a multi-family residence about lead-based paint hazards before starting exterior paint work at 129-131 Ord St. in San Francisco.

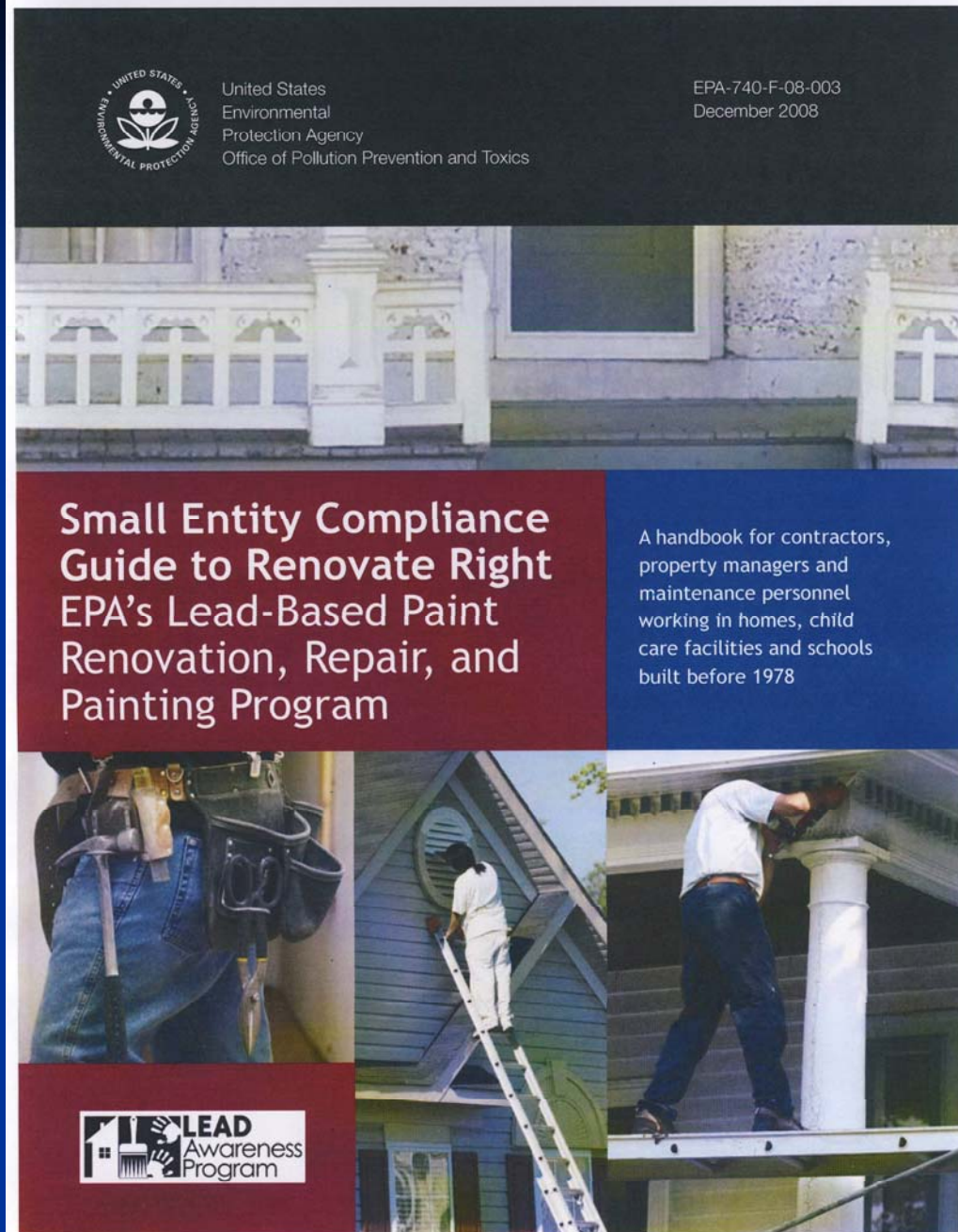
Federal law requires that anyone who performs a renovation for compensation on multi-family housing built before 1978 must provide the owner and occupants with information about lead-based paint hazards before starting the renovation.

**New pamphlet used for
Pre-Renovation
Education (RR&P) -**

**Must use as of Dec 22,
2008**



Handbook for Contractors, Property Managers & Maintenance Personnel



EPA Effective Dates/Timelines Associated with the New Rule

■ April 22, 2009

- Training providers may begin applying to EPA for accreditation to provide renovator or dust sampling technician training
- Persons seeking certification as renovators or dust sampling technicians may take accredited training as soon as it is available

EPA Effective Dates/Timelines Associated with the New Rule

■ October 22, 2009

- Firms may begin applying to EPA for certification to conduct renovations

■ April 22, 2010

- Renovations in target (pre-1978) housing and child-occupied facilities must be conducted by certified renovation firms, using renovators and dust sampling technicians with accredited training, trained workers and following the work practice requirements of the rule.

Information Distribution

Pre-Renovation Education

Information Distribution Before Starting Renovation

- In housing, firms must:
 - Distribute EPA's "Renovate Right" lead pamphlet to the owner and occupants before renovation starts
- In a child-occupied facility, firms must:
 - Distribute the "Renovate Right" lead pamphlet to the owner of the building or an adult representative of the child-occupied facility before the renovation starts
 - Provide parents/guardians of the children attending the child-occupied facility the pamphlet & general information of renovation

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Information Distribution Before Starting Renovation

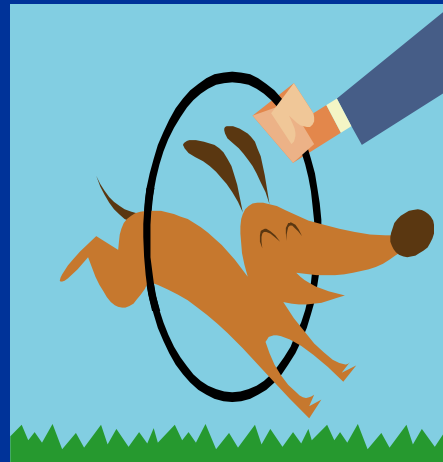
- Common areas of multi-family housing firms must:
 - Distribute renovation notices to effected unit(s)
Or post informational signs about the renovation and the pamphlet.

Information Distribution Before Starting Renovation

- Retain records for three years
- EPA RR&P Pre-renovation Education Sample Forms can be found in the back of Renovate Right Pamphlet and Small Entity Compliance Guide to Renovate Right

RR&P Required Training

How do I become an EPA certified renovator or dust sampling technician ?



How do I become an EPA certified renovator or dust sampling technician ?

- EPA Certified Renovator and/or Dust Sampling Technician must take an EPA accredited One-Day Class and a Refresher Course every 5th Year
- The training course certificate serves as proof of certification - must have picture of training recipient

Note: Dust sampling technicians, certified renovators and renovation workers must work for a certified firm



RR&P Training Providers-Update as of 9/15/09

EPA Accredited:

- *Alliance for Health Homes (Durham Affordable Housing Coalition) – (NC)
- *Craven County Health Dept./Div. of Environmental Health – New Bern (NC)
- *Environmental Institute (GA)
- The EI Group, Inc. (NC)
- *Greenville Technical College (Greenville-SC)
- *Seagull Environmental Management Company, Inc.
 - *Environmental Training Fund

In the approval process:

- Pitt Community College (Greenville-NC)

Check EPA website :

<http://www.epa.gov/lead/pubs/trainingproviders.htm>

Note : * alternate site training providers

Allowances for Individuals with Previous Training

- Individuals that completed accredited inspector or risk assessor course can take an accredited dust sampling technician refresher course in lieu of an initial dust sampling technician course
- Individuals that completed accredited abatement worker or supervisor or completed an EPA, HUD, or EPA/HUD model renovation course can take an accredited renovator refresher course in lieu of an initial renovator course

What training are workers required to have that disturb LPB and how do they get it?

- Certified Renovator must provide and document training provided to the workers on the work practices they will be using in their assigned tasks
 - Primarily on-the-job training (OJT)
 - No structured OJT program or length of time
 - Renovator does training as needed job-to-job and based on how the workers will be used.

Firm Certification & Firm & Certified Renovator Responsibilities

(EPA) Firm Certification

- Firms must be certified to do renovation work or dust clearance sampling
- Requires EPA application & fee
- Re-certified every 5 years
- Amend certification for changes to most recent application, within 90 days

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Firm Responsibilities – ensure:

- Certified renovator and trained workers are used
- Certified renovator assigned to each renovation
- Work performed according to work practice standards
- Pre-renovation education requirements performed
- Recordkeeping requirements are met – more to come....

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Certified Renovator Responsibilities

- Conduct post-renovation cleaning verification
- Perform or direct workers in renovation tasks
- Must provide training to workers on assigned tasks
- Present at worksite – during posting signs, setting up containment and cleaning

Certified Renovator Responsibilities

- Available on-site or by telephone at all times
- Regularly direct the work to ensure work practices are followed, containment & dust/debris stays in work area
- Must have copies of their initial training & most recent refresher certificates with them at the work site
- Use EPA recognized lead test kits
- Prepare required records (sample forms available)



Work Practice Standards



Work Practice Standards Overview

- Occupant protection/Must Post Signs
- Must Contain *Work Area
 - Isolate the work area
 - Remove Belongings or Cover (plastic/impermeable sheeting)
 - Close & cover Doors and Windows in work area
 - Close & cover HVAC duct openings
 - Interior work cover floor surfaces – Exterior cover ground
- Must use Certified Firm/Certified Renovator/Trained Workers

*Work Area = area the cert. renovator establishes to contain dust & debris

Work Practice Standards Overview

- Clean the work area (no visible dust, debris or residue)
- Perform Post-reno Cleaning Verification or Dust Clearance Testing
- Proper Waste Disposal
- Do not use prohibited/restricted work practices

Prohibited & Restricted Practices

- Open-flame burning or torching – prohibited
- Machines – that use high speed operation (such as: sanding, grinding, abrasive blasting, etc.) unless used with HEPA exhaust control
- Heat gun – only at temperatures below 1100 °F

(Note: Paint stripping using volatile strippers in poorly ventilated areas, dry sanding/scraping, uncontained hydroblasting or high pressure wash and paint stripping using methylene chloride was not addressed as restricted/prohibited practices – These methods are not recommended or are prohibited by HUD)

Standards for Post-Renovation Cleaning Verification

Standards for Post-Renovation Cleaning Verification

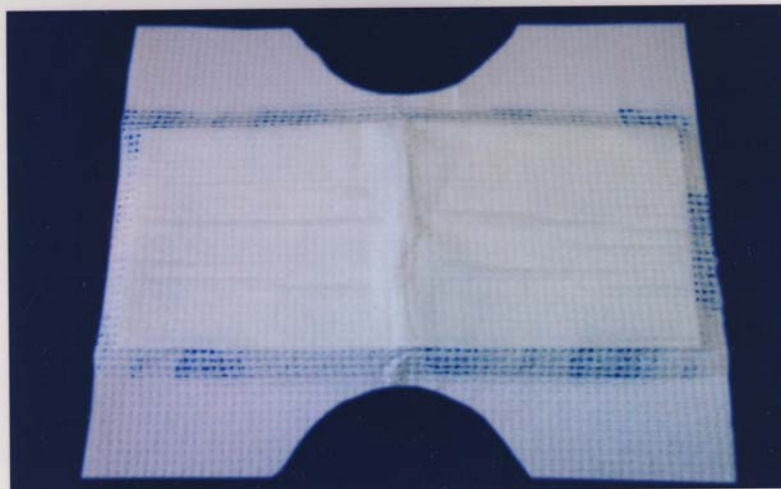
- A Certified Renovator is required to perform post-renovation cleaning verification (Can't be done by worker). Optional dust clearance can be specified.
- Interior Cleaning Verification consists of a visual inspection and visually comparing a wiped cloth with a “standard card” for comparison

Standards for Post-Renovation Cleaning Verification

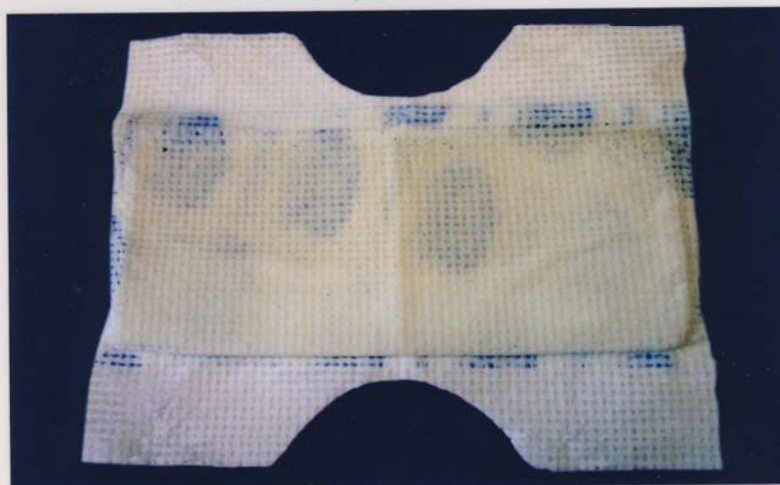
- Exterior Cleaning Verification consists of a visual inspection and ensuring no dust, debris or residue are present on surfaces below the work area and the ground.

Post Renovation Cleaning Verification Card

EPA Post-Renovation Cleaning Verification Card



Unused Wet Disposable Cleaning Cloth



Marginally Passing Wet Disposable Cleaning Cloth

This card is good until last day of the month and year indicated below.

Month	1	2	3	4	5	6	7	8	9	10	11	12
Year 20xx	10	11	12	13	14	15	16	17	18	19	20	21

Recordkeeping Requirements

Recordkeeping Requirements

- ✓ Signed & dated acknowledgements of receipt information distribution
- ✓ Record of Notification Activities for Common Areas and Child Occupied Facilities
- ✓ Certifications of attempted delivery or mailings

Recordkeeping Requirements (cont)

- ✓ Reports of “no lead” by inspectors
- ✓ If test kits were used – document brand, specified location(s) & results
- ✓ Documentation that Renovator and Firm is Certified
- ✓ Documentation of compliance with Work Practice Standards and Trained Workers
- ✓ Any signed/dated statements from owner-occupants that Work Practice Standards – do not apply (Owner Opt-Out)

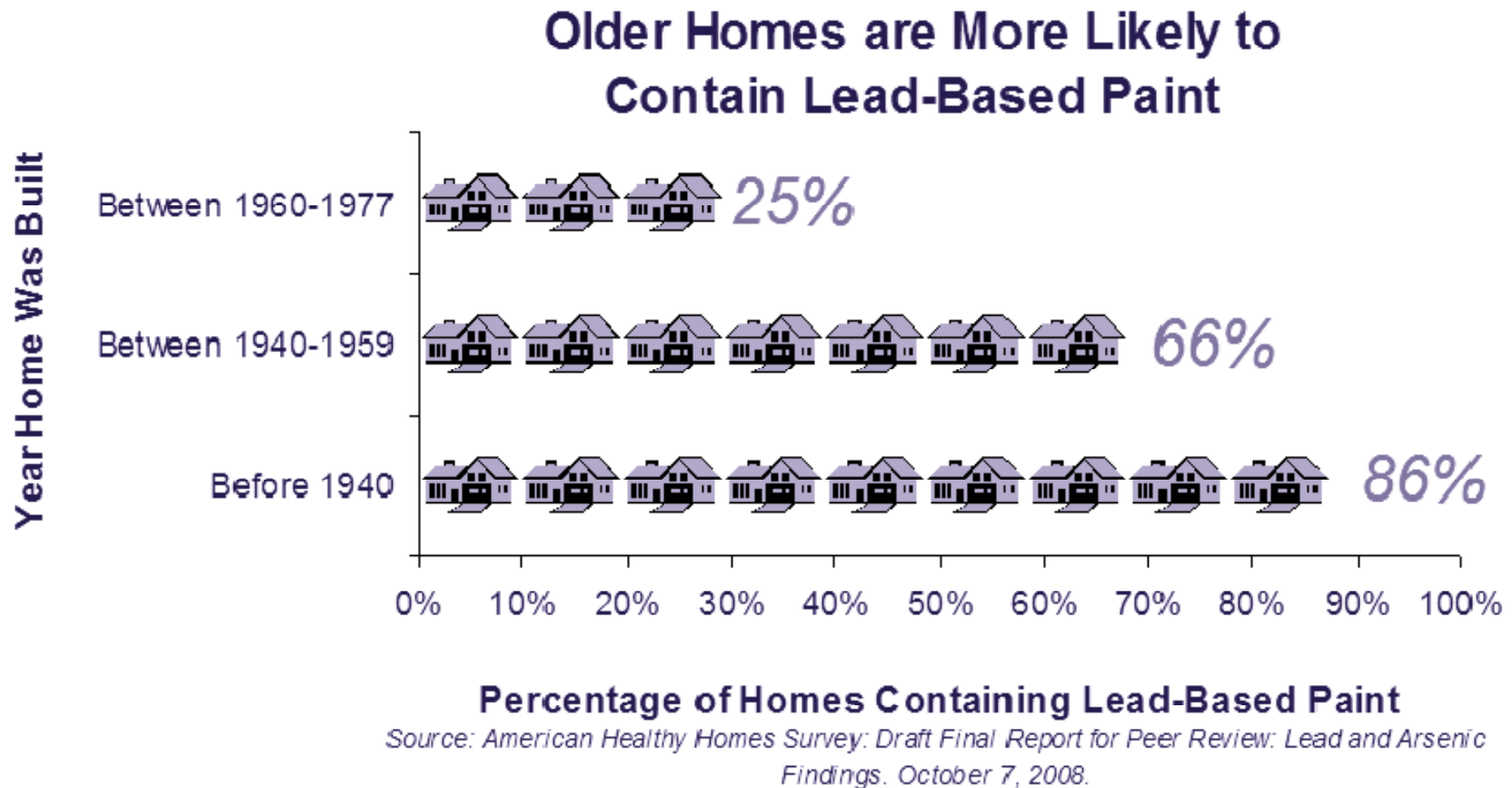
Recordkeeping Requirements (Cont)

- ✓ Document nature of “Emergencies” – provisions of the rule not followed
- ✓ Documentation that Dust Sampling Technician is Certified (if used)
- ✓ Documentation of Clearance Results by Wipe Sampling (DST) or Cleaning Verification (Certified Renovator briefly describes)
- ✓ Firm keep all records for 3 years. RR&P Sample Recordkeeping checklist

What's that mean in NC?



What a recent national survey tells us



What's that mean in NC?

■ Estimated Pre-78 Single-Family Residential Housing stock

- 1900-1920 – 20,461 homes
- 1921-1940 – 58,721 homes
- 1941-1960 – 163,705 homes
- 1961-1978 – 290,637 homes

*Total: 533,524



*Does not include multi-units (2 or more units/structure), mobile homes, or child-occupied facilities.

What's that mean in NC?

■ Estimated Pre-78 Single-Family Residential Housing stock that may contain LBP.

- 1900-1920 – (@86%) = 17,596 homes
- 1921-1940 – (@86%) = 50,500 homes
- 1941-1960 – (@66%) = 108,045 homes
- 1961-1978 – (@25%) = 72,659 homes

*Total: 248,800

What's that mean in NC?

- 2007 US Census data it is estimated that there are 646,000 Multi-unit structures in North Carolina (Number units Pre-78 unknown)
- Presumptions for Estimates
 - $\frac{1}{2}$ of unit structures are Pre-78 = 323,000 unit structures
 - $\frac{1}{4}$ of unit structures are Pre-78 = 161,500 unit structures
 - Most structures were built 1961-1977 (25% Contain LBP)
 - Estimated range of potential multi unit structures with LBP: 40,375 to 80,750 unit structures

Note: "Presumptions" are reasonably conservative, total unit estimates may be higher.

What's that mean in NC?

- Schools – Presumptions for Estimates (~1872 w/kindergarten)
 - 1/2 of unit structures are Pre-78 = 936 schools
 - 1/2 of unit structures are Pre-78 = 468 schools
 - Most schools built 1961 -1978 (25% Contain LBP)
 - Range of potential schools with LBP estimated: From 117 to 234 schools
- Licensed Day Care Facilities - Presumptions for Estimates (~10,000)
 - 1/2 of unit structures are Pre-78 = 5,000 unit structures
 - 1/4 of unit structures are Pre-78 = 2,500 unit structures
 - Most structures built 1961-1978 (25% Contain LBP)
 - Range of potential licensed daycare centers with LBP estimated: From 625 to 1250 licensed daycares

*Estimated affected households & Child-Occupied Facilities?

- Pre-78 Single Family residential estimate = 248,800
- Multi unit structures (range) = 40,375 - 80,750
- Licensed Daycare Facilities (range) = 635 - 1250
- Schools w/kindergarten (range) = 117 - 234

**Total Potentially affected
units/facilities (range estimates) :
289,927 – 331,034**

*-estimates are believed to be conservative based on presumptions and data stated in previous slides.

Potential affected entities in NC?

- Building Construction – 17,660
- Specialty Trades Construction – 18,984
- Real Estate & Rental & Leasing – 15,609
- Engineering Services – 1,568
- Building Inspection Services – 181
- Remediation Services – 450
- Elementary & Secondary Schools w/K - 1872
 - 501-private, 1372 public & charter
- Community Colleges (Trade Schools) – 58
- Licensed Day Care Facilities – 10,000
- Total: 66,382 Entities

Where we are in NC?

- NC G.S. Chapter 130A amended, added Article 19B – “Certification and Accreditation of Lead-Based Paint Renovation Activities”
 - Effective January 1, 2010
 - HHCU working on rule development – EPA Region IV has jurisdiction, follow the EPA RR&P Rule
 - Proposed Temporary Rule: 10A NCAC 41C .0900 [Lead-Based Paint Hazard Management Program For Renovation, Repair, And Painting]
 - Renovator, DST & Renovation Firm certification
 - Training Provider & Course Accreditation
 - Adopts EPA RR&P rule
 - NC will seek program authorization from EPA for a “State-run Program”
- NC HHCU available to provide outreach and consultation

Where we are - Rule Making Process

- OAH Publication of Proposed Rule in NC Register
 - Sep 2-24, 2009
- A Public Comment Period (Sep 24, 2009) and a Public Hearing (Sep 18, 2009)
- Statute requires adoption by Commission for Public Health
 - Scheduled for Oct 30, 2009
- Approval by Rules Review Commission (~12/17/09)
- Effective date 01/01/2010

Bottom Line: What do I have to do and when do I have to do it? (as of 9/15/09)

- Provide “Renovate Right” pamphlet to owner/occupants for all renovations in housing & child occupied facilities built before 1978 and maintain associated documentation (written acknowledgements, certificate of mailing, etc.) – **Must do Now!**
- Take accredited training (Cert. Renovator or DST) before performing RR&P activities. Training Providers are on EPA website (<http://www.epa.gov/lead/pubs/trainingproviders.htm>)

Bottom Line: What do I have to do and when do I have to do it? (as of 9/15/09)

- Can apply for Firm certification to EPA beginning Oct 22, 2009. You will need training and EPA firm certification by April 22, 2010.
- Firms will need to apply to NC once temporary program/rules are in place (January 1, 2010). Details regarding permanent rules TBD.
- Check with each state as the programs transition from EPA to the states.

Questions

For additional information: Contact the
HHCU at 919-707-5950

Website: www.epi.state.nc.us

